

OHIO

SENATE

JOURNAL

WEDNESDAY, JANUARY 29, 2014

ONE HUNDRED FORTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Wednesday, January 29, 2014, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Grace Baptist Church, Cedarville, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

The following guests were recognized by the Senate prior to the commencement of business:

Senator Seitz recognized the Moeller High School Football Team as the Division I State Champions.

Senator Balderson recognized Deborah Withem as the 2013-2014 Ohio Correctional Education Association Teacher of the Year.

Senator Manning recognized JoEllen Mitchell as the 2012 Ohio Correctional Education Association Parole Officer of the Year.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **Sub. H. B. No. 44**-Representative McClain, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 78, after " (F)" insert " (1)"

In line 81, delete " or subject to any of the following for" and insert " damages in any civil action unless"

In line 82, delete the underlined comma

In line 83, delete " unless the acts or omissions"

In line 84, delete the underlined semicolon

Delete lines 85 through 88 and insert " ˆ

(2) An individual who administers, delivers, distributes, or dispenses a drug or dangerous drug in accordance with one or more of the protocols implemented under division (E) of this section is not subject to criminal prosecution or professional disciplinary action under any chapter in Title XLVII

of the Revised Code."

Co-Sponsor: Tavares.

YES - 7: KRIS JORDAN, DAVE BURKE, SHANNON JONES,
CAPRI S. CAFARO, EDNA BROWN, CHARLETA B.
TAVARES, SCOTT OELSLAGER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **S. C. R. No. 23**-Senators Burke, Cafaro, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Tavares.

YES - 7: KRIS JORDAN, DAVE BURKE, SHANNON JONES,
CAPRI S. CAFARO, EDNA BROWN, CHARLETA B.
TAVARES, SCOTT OELSLAGER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **Am. Sub. H. B. No. 19**-Representative Thompson, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Manning, Gardner, LaRose, Cafaro, Gentile, Turner.

YES - 8: GAYLE MANNING, BILL SEITZ, TROY BALDERSON,
RANDY GARDNER, FRANK LAROSE, CAPRI S.
CAFARO, LOU GENTILE, NINA TURNER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Am. Sub. H. B. No. 123-Representatives Gonzales, Wachtmann.
Cosponsors: Representatives Adams, J., Brenner, Henne, McClain, Williams, Young, Bishoff, Brown, Schuring, Anielski, Antonio, Baker, Boose, Buchy, Budish, Burkley, Duffey, Hackett, Hill, Johnson, Letson, Phillips, Romanchuk, Sears, Sprague, Speaker Batchelder. Senator Tavares.

To amend sections 2305.25 and 2305.252 and to enact section 5164.94 of the Revised Code regarding health care peer review committee proceedings and Medicaid coverage of telehealth services, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 123**, pass?"

Senator Tavares moved to amend as follows:

In line 6, delete "section" and insert "sections 1739.23, 1751.69, 3923.235, and"

Between lines 6 and 7, insert:

" **Sec. 1739.23.** (A) As used in this section:

(1) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including the holder of a telemedicine certificate issued under section 4731.296 of the Revised Code.

(2) "Telehealth service" means a health care service delivered to a patient through the use of interactive audio, video, or other telecommunications or electronic technology from a site other than the site where the patient is located.

(B) Notwithstanding section 3901.71 of the Revised Code, on or after the effective date of this section no multiple employer welfare arrangement operating a group self-insurance program shall exclude coverage for a telehealth service solely because the service is not provided through a face-to-face consultation. The arrangement may require a deductible, copayment, or coinsurance for the telehealth service. The amount of the deductible, copayment, or coinsurance shall not exceed the amount of the deductible, copayment, or coinsurance required for a comparable medical service provided through a face-to-face consultation.

Sec. 1751.69. (A) As used in this section:

(1) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including the holder of a telemedicine certificate issued under section 4731.296 of the Revised Code.

(2) "Telehealth service" means a health care service delivered to a patient through the use of interactive audio, video, or other telecommunications or electronic technology from a site other than the site where the patient is located.

(B) Notwithstanding section 3901.71 of the Revised Code, no individual or group health insuring corporation policy, contract, or agreement that is delivered, issued for delivery, or renewed in this state on or after the effective date of this section shall exclude coverage for a telehealth service solely because the service is not provided through a face-to-face consultation. The policy, contract, or agreement may require a deductible, copayment, or coinsurance for the telehealth service. The amount of the deductible, copayment, or coinsurance shall not exceed the amount of the deductible, copayment, or coinsurance required for a comparable medical service provided through a face-to-face consultation."

Between lines 174 and 175, insert:

" Sec. 3923.235. (A) As used in this section:

(1) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including the holder of a telemedicine certificate issued under section 4731.296 of the Revised Code.

(2) "Telehealth service" means a health care service delivered to a patient through the use of interactive audio, video, or other telecommunications or electronic technology from a site other than the site where the patient is located.

(B) Notwithstanding section 3901.71 of the Revised Code, no individual or group policy of sickness and accident insurance delivered, issued for delivery, or renewed in this state on or after the effective date of this section shall exclude coverage for a telehealth service solely because the service is not provided through a face-to-face consultation. The policy may require a deductible, copayment, or coinsurance for the telehealth service. The amount of the deductible, copayment, or coinsurance shall not exceed the amount of the deductible, copayment, or coinsurance required for a comparable medical service provided through a face-to-face consultation."

In line 2 of the title, delete "section" and insert "sections 1739.23, 1751.69, 3923.235, and"

In line 4 of the title, after "Medicaid" insert "and insurance"

The question being, "Shall the motion be agreed to?"

Senator Widener moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Gardner	Hite
Hughes	Jones	Jordan	LaRose
Manning	Obhof	Oelslager	Peterson
Schaffer	Seitz	Uecker	Widener
			Faber-21.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Kearney
Sawyer	Schiavoni	Skindell	Tavares
			Turner-9.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 123**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Tavares	Turner	Uecker
Widener			Faber-30.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Jones moved to amend the title as follows:

Add the names: "Cafaro, Jones, LaRose, Uecker."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Am. H. B. No. 139-Representative Gonzales.

Cosponsors: Representatives Hackett, Letson, Antonio, Wachtmann, Bishoff, Brown, Hill, Lynch, Ramos, Sears, Smith, Anielski, Barborak, Barnes, Beck, Blessing, Boose, Boyd, Brenner, Celebrezze, Curtin, Damschroder, DeVitis, Driehaus, Fedor, Green, Hagan, C., Hall, Hayes, Hood, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Reece, Retherford, Roegner, Rogers, Rosenberger, Scherer, Sheehy, Stinziano, Strahorn, Winburn, Speaker Batchelder. Senator Tavares.

To amend sections 3727.06, 4723.431, and 4730.09 of the Revised Code to permit certain advanced practice registered nurses and physician assistants to admit patients to hospitals, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 139**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Tavares	Turner	Uecker
Widener			Faber-30.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Jones moved to amend the title as follows:

Add the names: "Beagle, Coley, Eklund, Gardner, Hite, Jones, Manning, Oelslager, Schaffer, Schiavoni, Seitz, Uecker, Widener."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

S. B. No. 209-Senator Manning.

Cosponsors: Senators Gentile, Turner, LaRose.

To enact section 5533.609 of the Revised Code to designate a portion of State Route 58 within Lorain County as the "Sgt. Louis Torres Memorial Highway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 209**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Tavares	Turner	Uecker

Widener

Faber-30.

So the bill passed.

The title was agreed to.

Senator Manning moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Faber, Gardner, Hite, Hughes, Jones, Jordan, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Tavares, Uecker, Widener."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

S. B. No. 227-Senator Beagle.

Cosponsors: Senators Gardner, Hughes, Jones, Manning, Patton, Turner.

To enact section 5.2294 of the Revised Code to designate the second Tuesday of April as "Ohio Internship and Co-Op Appreciation Day", was considered the third time.

The question being, "Shall the bill, **S. B. No. 227**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Tavares	Turner	Uecker
Widener			Faber-30.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Beagle moved to amend the title as follows:

Add the names: "Bacon, Balderson, Brown, Burke, Cafaro, Coley, Faber, Gentile, Hite, LaRose, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Tavares, Widener."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

MOTIONS

Senator Obhof moved that Senators absent the week of Sunday, January 26, 2014, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

OFFERING OF RESOLUTIONS

Senator Cafaro offered the following resolution:

S. C. R. No. 32-Senator Cafaro.

To urge Congress to consider and implement appropriate sanctions against Ukraine.

The question being, "Shall the resolution, **S. C. R. No. 32**, be adopted?"

On the motion of Senator Widener, **S. C. R. No. 32**, was referred to the Committee on Reference.

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 258-Senators Turner, Gentile, Brown, Schiavoni, LaRose, Cafaro, Eklund, Jones, Manning, Burke, Tavares, Faber, Kearney, Smith.

In memory of President Nelson Rolihlahla Mandela.

S. R. No. 259-Senator Skindell.

Honoring David Robinson on being selected as the 2013 ODRC Correction Officer of the Year.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

On the motion of Senator Widener, the Senate adjourned until Thursday, January 30, 2014 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.